

Instructions for Completing the Stormwater Treatment Measures Maintenance Agreement (also known as the Operations and Maintenance Agreement)

1. Provide the initial submittal of the Stormwater Treatment Measure Maintenance Agreement (the Agreement) electronically.
2. Do not notarize the Agreement until the City has reviewed and approved the document.
3. Provide two (2) original, notarized Agreements to the City upon approval of the document. Please follow the City of Fremont signatory guidelines (attached).
4. Do not alter the language in the Agreement.
5. Number the Agreement and each exhibit separately and indicate each page as one of the total number of pages for each section. For instance, the Agreement itself is usually 6 pages so each page should be numbered accordingly (1/6, 2/6, etc.). Each Exhibit should be numbered similarly (Exhibit A is usually 1/1, Exhibit B is usually 1/1, Exhibit C 1/x, Exhibit D 1/y).
6. Label each page of the exhibits with the appropriate exhibit letter. The applicant may chose to use the exhibit cover pages or not.
7. Fill in the blank spaces at the top of the 1st page of the Agreement (PLN, BLD, APN, tract #, property address). If not applicable, mark the space N/A.
8. Leave the date in the opening paragraph of the Agreement blank. The Agreement will be dated when all signatures are obtained.
9. Insert the name of the property owner and type of legal entity in the spaces highlighted in the opening paragraph of the Agreement.
10. Insert the property address in the highlighted space in the third *WHEREAS* statement on page 1 of the Agreement.
11. Insert the PLN in the highlighted space in the *NOW, THEREFORE* statement on page 2 of the Agreement.
12. Complete Exhibit A, the legal description of the property.
13. Complete Exhibit B, the conceptual site plan. The conceptual site plan shall be no larger than 8.5" x 14". Provide a simplified plan for this exhibit that includes only relevant stormwater treatment measure information, as follows:
 - Location and type of stormwater treatment measures.
 - Label stormwater treatment measures (e.g. swale #1, swale #).
 - Indicate the direction of on-site stormwater flow.
 - Indicate which impervious surface areas flow to which treatment measures.
 - Include the location of bubblers and disconnected downspouts.
 - Include a North arrow and periphery streets for reference.
 - Do not include any extraneous information not related to stormwater treatment measures.
14. Complete Exhibit C. Maintenance Plans for all stormwater treatment measures located on-site shall be included in Exhibit C. In addition, all Stormwater Treatment Measures Maintenance Agreements shall include the *Site Housekeeping and Pesticide Reduction Measures* maintenance plans. Sample maintenance plans may be available from the City, depending upon the treatment measures incorporated. If a proprietary treatment measure is used, the complete manufacturers specifications are not needed. Rather, provide a simplified maintenance plan that details specific maintenance requirements throughout the year.
15. Complete Exhibit D. Complete sections I-IV of the *Treatment Measure Operation and Maintenance Inspection Report to the City of Fremont, Alameda County, California*. Sections V-VIII should be left blank for this Agreement and completed annually, thereafter.
16. Provide the inspection checklists for all treatment measures incorporated on-site in the Attachments to Exhibit D, *Treatment Measure Operation and Maintenance Inspection Report: Completed Inspection Checklists*. Sample inspection checklists may be available from the City.

SIGNATURE REQUIREMENTS

When signing documents, it is important that they be properly executed to guarantee their validity and recordation. The following procedures must be followed for all documents processed by the City of Fremont such as: Subdivision Maps, Grants of Easements, Grant Deeds, Agreements, Bonds, etc.

- I. FOR ALL SIGNATURES.** The name and title of the signer should be typed or printed beneath the signature. The name must be signed exactly as it is typed or printed.
- II. SIGNATURES FOR INDIVIDUALS.** The name must be signed exactly as it is printed or typed. The signer's title or interest in the property (e.g. "owner") must be stated.
- III. SIGNATURES FOR PARTNERSHIPS.** The signing party must be either a general partner or be authorized in writing to have the authority to sign for and bind the partnership.
- IV. SIGNATURES FOR CORPORATIONS.** Authorization to sign contracts and other documents on behalf of the corporation must be demonstrated by one of the following methods. For maps and documents to be recorded, and for sureties signing bonds, the signatures must be notarized as provided in Method 3 and paragraph V., below.

Method 1 (Two Specified Officers). Authorization may be shown by two officers, one from each of the following groups, signing the instrument. (ref. Corp. Code §312.)

Group A

- (i) Chairman of the Board
- (ii) President
- (iii) Any Vice-President

Group B

- (i) Secretary
- (ii) Any Assistant Secretary
- (iii) Chief Financial Officer
- (iv) Any Assistant Treasurer

Method 2 (Certified Board Authorization). Authorization may be shown by providing the City a copy of the corporation's bylaws, board of directors meeting minutes, or any resolution of corporation's board authorizing the person signing the instrument to execute instruments of the type in question, and certified by the Secretary or Asst. Secretary of the corporation to be a true copy. (ref. Corp. Code §314.)

Method 3 (Notarized Officer Signature). Authorization may be shown by the signature of either the corporation's president, vice president, secretary, or assistant secretary accompanied by a notary acknowledgment in the form prescribed by Civil Code §1189. (ref. Civil Code §1190)

- V. SIGNATURES FOR LIMITED LIABILITY COMPANIES (LLC's).** Authorization must be demonstrated by providing the portion of the operating agreement authorizing the person signing the instrument to execute instruments of the type in question, and if the LLC does not have an operating agreement, then by providing the articles of incorporation for review by the CAO. (ref. Corp Code §§17151, 17154, 17157.)
- VI. MAPS AND DOCUMENTS TO BE RECORDED.** For maps and documents to be recorded, including all transactions affecting title to real property, all signatures must be properly notarized and accompanied by a certificate of acknowledgement in the form prescribed by Civil Code section 1189. (ref. Gov't Code §§ 27287, 66436, 66439, 66447) The names and titles of the people signing the documents must be listed on the notary flag.
- VII. CHANGES.** Should any changes be made to the document once signed, the changes must be initialed by all parties signing the document. Obliteration of any type will not be acceptable.